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Civil Procedure, Drugs & Biotech, Government Benefits, Health Law

US v. Brigham and Women's Hospital, No. 13-1973

In this case, relator Jones alleges that defendants Killiany and Albert knowingly made false statements when submitting a grant application to the National Institute of Aging (NIA) and knowingly falsified certain scientific data underlying the application, which, Jones contends, influenced the NIA's decision to award over \$12 million in federal funds to Massachusetts General Hospital and Brigham and Women's Hospital. In 2006, Jones filed a qui tam action pursuant to the False Claims Act, and after this court vacated the district court's entry of summary judgment in favor of defendants, the case proceeded to trial. At trial, a jury found for defendants, and the district court denied Jones' motions for judgment as a matter of law and for a new trial. The judgment of the district court is affirmed, where there is no reason to upset the jury's considered verdict, as any errors were harmless, there was ample evidence in the record for the jury to believe defendants' explanations for their revised measurements and to conclude that defendants' statements were either not false or that defendants lacked knowledge that they were false, and Jones was given full opportunity to present his claims before the jury.

Criminal Law & Procedure, Sentencing

US v. Rossignol, No. 14-1072

In this case arising out of defendant's role in an international drug smuggling conspiracy, defendant pled guilty to conspiracy to possess with intent to distribute cocaine and to failing to report the importation of more than \$10,000 in US currency. The district court imposed a below-guidelines sentence of 120 months in prison. The judgment is affirmed, where: 1) defendant claims that certain sentencing factors were given insufficient weight, but the district court did in fact consider each of those sentencing factors and viewed them as cutting against defendant in the context of this drug conspiracy; 2) defendant received a longer sentence than three other members of the conspiracy, but the court noted that defendant had not cooperated like the others, who had testified at trial; and 3) the district court granted a below-guidelines sentence on account of defendant's clean criminal history, but did not go lower due to the fact that defendant's involvement in the conspiracy was "escalating" and not "decreasing."